

Monterey County Regional Taxi Authority

*City of Carmel-by-the-Sea • City of Del Rey Oaks • City of Monterey • City of Pacific Grove
City of Salinas • City of Sand City • City of Seaside • Monterey Peninsula Airport District
County of Monterey*

Board of Directors Regular Meeting

April 25, 2011

10:00 am

MST Conference Room
One Ryan Ranch Road, Monterey

TRANSPORTATION: Ride Line 8 Ryan Ranch-Edgewater to MST Office

1. CALL TO ORDER

- 1-1. Roll call.
- 1-2. Pledge of Allegiance.

2. CONSENT AGENDA

- 2-1. Review highlights of Agenda. (Carl Sedoryk)

These items will be approved by a single motion. Anyone may request that an item be discussed and considered separately.

- 2-2. Informational minutes from the regular meeting of February 28, 2011. (Theodore Kosub) (p. 1)
- 2-3. Informational minutes from Ad-Hoc Committee on Budget of March 4, 2011 (Carl Sedoryk) (p. 7)

End of Consent Agenda

3. SPECIAL PRESENTATIONS

4. PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

Members of the public may address the Board on any matter related to the jurisdiction of The Monterey County Regional Taxi Authority but not on the agenda. There is a time limit of not more than three minutes for each speaker. The Board will not take action or respond immediately to any

public comments presented, but may choose to follow-up at a later time, either individually, through staff, or on a subsequent agenda.

5. COMMITTEE REPORTS AND PRESENTATIONS

No action required unless specifically noted.

5-1. Receive update from RTA staff. (No Enclosure) (Hunter Harvath)

5-2. Highlights from the TAC meeting of April 19, 2011. (Sonia Bannister) (p. 9)

6. BIDS/PROPOSALS

7. PUBLIC HEARINGS

8. UNFINISHED BUSINESS

8-1. Proposed Technical Advisory Committee (TAC) public transit appointments. (Hunter Harvath) (p. 11)

8-2. Receive update on Taxi Senior Scrip Program. (Hunter Harvath) (p. 13)

8-3. Second reading and adoption of ordinance for the uniform regulation of taxicabs within the jurisdiction of the Monterey County Regional Taxi Authority. (Hunter Harvath) (p. 15)

8-4. Review taxi fees structure and provide direction to staff. (Hunter Harvath) (p. 83)

9. NEW BUSINESS

10. REPORTS & INFORMATION ITEMS

The Board will receive and file these reports, which do not require any action by the Board.

11. COMMENTS BY BOARD MEMBERS

11-1. Reports on meetings attended by Board members at RTA expense. (AB1234)

12. ANNOUNCEMENTS

13. CLOSED SESSION

As permitted by Government Code §64956 et seq. of the State of California, the Board of Directors may adjourn to Closed Session to consider specific matters dealing with personnel and/or pending possible litigation and/or conferring with the Board's Meyers-Milias-Brown Act representative.

14. RETURN TO OPEN SESSION

15. ADJOURN

NEXT MEETING DATE: May 23, 2011 in MST Conference Room.

NEXT AGENDA DEADLINE: May 12, 2011

Materials related to an item on this Agenda submitted to the Board after distribution of the agenda packet are available for public inspection at the Monterey-Salinas Transit Administration office at 1 Ryan Ranch Road, Monterey, CA during normal business hours.

Upon request, Monterey County Regional Taxi Authority will provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. Please send a written request, including your name, mailing address, phone number and brief description of the requested materials and preferred alternative format or auxiliary aid or service at least 5 days before the meeting. Requests should be sent to Monterey County Regional Taxi Authority – c/o Sonia Bannister, MST, One Ryan Ranch Road, Monterey, CA 93940 or srbannister@mst.org

MONTEREY REGIONAL TAXI AUTHORITY
BOARD OF DIRECTORS
REGULAR MEETING
February 28, 2011

One Ryan Ranch Road, Monterey

1. CALL TO ORDER

Vice-Chair Downey called the meeting to order at 10:00 a.m. in the MST Conference Room. A roll call was conducted and The Pledge of Allegiance followed.

Present:	Karen Sharp	City of Carmel-By-The-Sea
	Libby Downey	City of Monterey
	Alan Cohen	City of Pacific Grove
	David Pendergrass	City of Sand City
	Sergio Sanchez	City of Salinas
	Alvin Edwards	City of Seaside
	Mary Ann Leffel	Monterey Peninsula Airport District
Absent:	Kristin Clark	City of Del Rey Oaks
Staff:	Angela Dawson	Accountant
	Hunter Harvath	Asst. General Manager/Finance & Administration
	Tom Hicks	CTSA Manager
	Theodore Kosub	Executive Asst. to the General Manager/CEO
	Carl Sedoryk	General Manager/CEO
	Kathy Williams	General Accounting Manager
Others:	Steve Cardinalli	Yellow Cab
	John Cardinalli	Yellow Cab
	Jermalino Culebra	Taxicab Driver
	Roy Graham	Citizen
	Rachel Gutierrez	Taxicab Driver
	Kathi Krystal	Associated Taxi
	David C. Laredo	De Lay & Laredo
	J. Scott Philips	Citizen
	Richard Segal	Nab-A-Cab

Apology is made for any misspelling of a name.

2-1. – 2-4. Consent Agenda

The consent agenda items consisted of the following:

2-2. Minutes of the regular meeting of December 20, 2010.

2-3. Informational minutes from the regular meeting of January 28, 2011.

2-4. Adopt revised schedule of TAC meetings.

Director Sharp made a motion to approve the consent items and was seconded by Director Edwards. The motion carried unanimously.

3. SPECIAL PRESENTATIONS

4. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Scott Philips thought the entire RTA process was functioning in a backwards manner. He also asked for a status update regarding the taxi administrator.

Rachel Gutierrez stated that she had been unable to get a clear answer on how to obtain a permit from Greg Yancey. She continued that she was currently driving without a permit.

Kathi Krystal mentioned that Central Coast cab was not invited to a meeting of taxi drivers that occurred in Monterey.

Steve Cardinalli thought a meeting between hospitality and MST staff was questionable. He thought the formation of a 'rouge group' hinted at a general failure of the RTA.

5. COMMITTEE REPORTS

5-1. Update from RTA staff.

Carl Sedoryk gave an update on the activities undertaken by the RTA since the last regular meeting.

Theodore Kosub presented the highlights of the TAC meeting of February 17, 2011, to the RTA Board.

Mr. Sedoryk clarified that money received by the taxi administrator has been used to purchase setup equipment and related activities.

6. BIDS / PROPOSALS

7. PUBLIC HEARINGS

8. UNFINISHED BUSINESS

8-1. Appoint alternates to the TAC Board.

John Cardinalli objected to any MST employee being appointed to the TAC and thought a clear conflict of interest existed. He also objected to members of hospitality being on the TAC and asked Board Members to resign.

Director Edwards moved to approve TAC alternates and was seconded by Director Sharp. No action was taken in regard to proposed alternate in the public transit category. The motion carried unanimously.

9. NEW BUSINESS

9-1. Introduce ordinance for the uniform regulation of taxicabs with the jurisdiction of the RTA.

Director Sharp inquired as to ordinance provisions for insurance requirements, for hire lights, annual inspections, mandatory trip sheets and photos.

Director Sanchez suggested sending a copy of the ordinance to each of the participating jurisdictions.

Director Edwards mentioned the importance of giving a timeframe for comments when distributing the ordinance to participating jurisdictions.

Public Comment

John Cardinalli stated the ordinance would not pass legal muster and suggested Board Members should resign because they do not understand the taxi business. He thought the ordinance would put Yellow Cab out of business.

Rachel Gutierrez believed the ordinance was unworkable.

Scott Phillips stated the drug testing and taximeter sections of the ordinance were flawed.

Kathi Krystal stated cabs use push buttons instead of 'flags'.

John Narigi thanked the RTA for moving forward with the ordinance and reiterated hospitality's desire for open taxi competition.

Richard Segal stated he was ready to get his taxi company up and running, so he suggested the RTA get to permitting as quickly as possible.

Steve Cardinalli suggested sending the ordinance to the TAC because it was flawed in its current form.

The meeting recessed at 11:49 due to disruption.

The meeting reconvened at 12:00.

Director Pendergrass mentioned the importance of having a staff member who could properly answer questions at TAC meetings.

Director Downey expressed interest in a matrix that would compare the RTA ordinance to the City of Monterey's Ordinance.

Director Cohen made a motion to approve the first reading, send the ordinance to legal departments of participating jurisdictions, send the ordinance to the TAC for comment / recommendation and bring the ordinance back to the next RTA meeting. The motion was seconded by Director Pendergrass and passed unanimously.

9-2. Refer draft Taxi Equipment, Safety, Security and Operational Policy to TAC.

Public Comment

Mr. Phillips stated there were several problems with the draft policy.

Ms. Krystal expressed concern with several provisions of the draft policy.

Jermalino Culebra invited anyone interested in learning about taxicabs to take a ride to learn about being a taxi driver. He mentioned the copious amount of downtime and common misperception that taxi drivers make a lot of money.

Director Edwards made a motion to refer the draft Taxi Equipment, Safety, Security and Operational Policy to the TAC for review and recommendation. The motion was seconded by Director Cohen and passed unanimously.

9-3. Taxi Services at the Monterey Peninsula Airport

Director Leffel stated the Airport Board would discuss a potential medallion system at its meeting of March 9.

Director Edwards made a motion to continue the item to the next RTA regular meeting. The motion was seconded by Director Cohen and passed unanimously.

10. REPORTS & INFORMATION ITEMS

10-1. Taxi Stakeholder meeting notes from February 15, 2011.

11. COMMENTS BY BOARD MEMBERS

Director Downey and Edwards inquired as to the status of an RTA scrip program. Mr. Sedoryk mentioned that program discussions and negotiations with area jurisdictions are ongoing.

Director Sharp asked if everyone could utilize wheelchair accessible cabs. Mr. Sedoryk answered that the cabs were accessible to everyone.

Director Downey suggested the fee schedule be placed on each agenda until it is resolved.

Director Sanchez formed a subcommittee to study taxi fees and stated that he was interested in a cooperative study session with members of the taxi industry.

12. ANNOUNCEMENTS

13. CLOSED SESSION

14. RETURN TO OPEN SESSION

15. ADJOURN

There being no further business, Chair Sanchez adjourned the meeting at 12:56 p.m.

Prepared by: _____
Theodore Kosub, Deputy Secretary

MONTEREY COUNTY REGIONAL TAXI AUTHORITY
ADHOC BUDGET SUBCOMMITTEE MEETING
March 4, 2011

One Ryan Ranch Road, Monterey

Present:	Sergio Sanchez	City of Salinas
	Libby Downey	City of Monterey
	Mary Ann Leffel	Monterey Peninsula Airport District
Staff:	Hunter Harvath	Asst. General Manager/Finance & Administration
	Carl Sedoryk	General Manager/CEO

Public Comment - none

Staff provided a variety of budget scenarios to the committee members that included three scenarios: MST contracts 100% of taxi cab related administrative and clerical duties to a private contractor; a split between MST staff and contracted duties; and, 100% MST employee administration of taxi cab related duties. The projected costs between the scenarios fell within a range of 3% of each other and the scenario that split responsibilities between MST staff and the private contractor produced the lowest cost. However, even the lowest cost option reviewed still resulted in anticipated expenses exceeding projected revenues from permits and licenses. Staff concluded the presentation stating that MST cannot run and unfunded deficit and that there needed to be a projected increase in revenues, or decrease in costs.

Ms. Downey commented that the increase in fees to taxi cab drivers was seen as too large and asked if it would be possible to adjust taxi cab company fees higher so that individual cab drivers could pay less.

Mr. Sanchez suggested an option where the RTA bills the RTA member jurisdictions for losses incurred by MST on behalf of the RTA. Mr. Harvath responded stating that the original intent of the Joint Powers agreement forming the JPA was that all costs involved with the administration of the taxi authority were to be recouped by taxi fees and licenses.

Mr. Sedoryk presented a concept that would involve subcontracting day to day taxi administration duties outsourced to the cities of Salinas and Monterey. Mr. Sedoryk explained that as these cities already have staff an infrastructure in place to receive and process fees and licenses for other purposes it might be feasible for MST to avoid the additional costs related to hiring a private contractor, or additional MST staff to manage some of the daily administrative and clerical duties. Sedoryk went on to state that having MST staff and contractors removed from the daily administrative and clerical duties might remove some of the concerns expressed with MST involvement in taxi cab administration. MST staff would remain responsible for staffing RTA board meetings and Technical Advisory Committee meetings and that a private contractor would still be needed to conduct random vehicle inspections, respond to complaints, and provide other support necessary on the street.

There was consensus among the committee members directing staff to meet with representatives from the cities of Monterey and Salinas to determine if there was an interest, or ability on the part of the cities to perform administrative and clerical functions on behalf of the RTA at lower cost than MST, or a private contractor.

Prepared by: _____
Carl Sedoryk, Secretary to the Board and General Manager/CEO

TAC HIGHLIGHTS

APRIL 19, 2011 MEETING

REVIEW TAXI ADMINISTRATION PROGRAM REGULATIONS

The Monterey County Regional Taxi Authority reviewed the Taxi Administration Program Regulations and are recommending the following:

- The Committee requested a report at their next meeting on the status of Greg Yancey – what has been done so far with issuing permits.
- It was recommended that the RTA Board re-examine the 24-hour requirement of providing taxi service. The exception would be to not provide 24-hour service, but each individual taxi company must prove to the RTA Board their hardship in not being able to provide 24-hour service to the public.
- “Unlawful Fares” the flat rate was discussed. It was noted that the City of Monterey offers a flat rate over 15 miles. It was suggested to eliminate “in excess” from item 7.4.
- “Exterior Signage” it was suggested to eliminate “and the rear of the vehicle” from the exterior signage requirement.
- “Taxicab Inspection” add Taxi Permit for vehicle and driver.
- “Establishment and use of Taxistands” Legal Counsel Laredo commented that each City would decide the staging location for taxis. Mr. Harvath also noted that in the next revision, item 13.1 Designated taxicab stand locations would be eliminated. It was suggested that the RTA work with the cities for special taxi stands for special events.
- “Report of found property” – each company establishes their own lost & found procedures.
- Item 22.1.2 should reference vehicle permit, not owner’s permit.
- Item 22.2 add “as applicable” at the end of the sentence.
- Legal Counsel Laredo suggested restoring the following sections: 23.2.1, 23.3, 23.4, 23.4.1, 23.5, 23.7, 23.8, 23.9, 23.10, 23.11, 23.12, 23.21.1, and 23.10.1
- Mr. Laredo recommended eliminating the following sections: 23.4.1.7, 23.6, and 23.9.3
- The Committee recommended eliminating section 23.4.1.4 and adding “reckless driving” and “one or more violations” to section 24.4.1.12.
- Sections 23.4.1.10 and 23.4.1.11 should be changed to “seven years”.
- Section 23.10.1 should be changed to “....CA vehicle code and has his/her license suspended”.

- Records retention policy will be forthcoming. The heading will be kept open for future use.

To: Board of Directors
From: H. Harvath, MST Assistant General Manager – Finance & Administration
Subject: Proposed Technical Advisory Committee (TAC) Public Transit Appointments

RECOMMENDATION:

Receive and approve proposed TAC public transit member and alternate appointments.

FISCAL IMPACT:

None

POLICY IMPLICATIONS:

Appointments to the TAC require approval of The Monterey County Regional Taxi Authority (RTA) Board.

DISCUSSION:


At the February 17, 2011, meeting of the Technical Advisory Committee (TAC), public transit representative Hunter Harvath resigned in order to better perform duties as staff to the committee. In that regard, the following MST staff members have been proposed for TAC membership and alternate representing public transit:

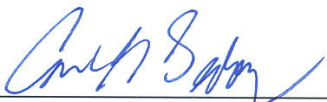
Public Transit TAC Member:

Tom Hicks, Consolidated Transportation Services Agency Manager – MST

Public Transit TAC Alternate:

Beronica Carriedo, Mobility Trainer – MST

PREPARED BY: 
Hunter Harvath

REVIEWED BY: 
Carl G. Sedoryk

To: Board of Directors

From: Hunter Harvath, MST Assistant General Manager – Finance & Administration

Subject: Senior Scrip Program Update

RECOMMENDATION:

Receive update from staff regarding senior discount scrip program.

FISCAL IMPACT:

Up to \$250,000 would be available per year starting September 9, 2011, for two years to be funded by participating jurisdictions, MST local transportation funds, and a federal New Freedoms Grant.

POLICY IMPLICATIONS:

The Joint Powers Agreement creating the Regional Taxi Authority grants power to the RTA to create a senior discount program.

DISCUSSION:

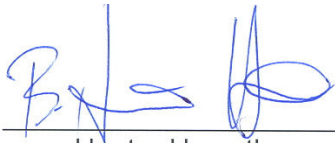
For over a decade, several communities including Monterey, Seaside, Sand City, and Del Rey Oaks have partnered with Yellow Cab to fund a program offering discounted taxi cab rates to senior citizens. Traditionally, half of the cost of the senior scrip is borne by the passenger, one quarter by the city in which they live, and one quarter of the cost of the trips are forgiven by Yellow Cab. The value of the estimated usage of the senior discount program as provided by city staff for the following jurisdictions is as follows:

Monterey: \$45,000, Seaside: \$6,500, Del Rey Oaks: \$200

At the December 20, 2010, meeting of your board, staff was directed to contract with jurisdictions interested in establishing and funding an RTA senior scrip program and to require RTA permitted taxicabs to accept senior scrips.

In recent months, staff has worked to secure federal funding from the New Freedoms grant program which would cover 50% of the cost for a senior taxi program providing same-day taxi-based service to seniors. This program would be above and beyond what is required by the Americans with Disabilities Act (ADA) with regards to the MST RIDES ADA paratransit program.

MST has been awarded up to \$250,000 in New Freedom grant funds for a two-year program to provide same day taxi service to seniors. Because the grant requires a 50% local match and, by federal grant regulation, fares do not count towards the match, MST staff will be consulting in the coming weeks with all the RTA jurisdictions regarding their participation in the program. Staff is offering for discussion a method of pro-rating the cost to participate in the senior program to each jurisdiction based on the proportion of the senior population 65 years and older as a percentage of the entire RTA senior population. In addition, because some of these trips would be made by MST RIDES ADA-eligible clients, MST would be responsible for the local-match cost for trips made by those individuals enrolled in the RIDES ADA paratransit program. If all RTA jurisdictions elect to participate along with funds from MST, then costs for the senior scrip program can be spread out and economies of scale achieved.

PREPARED BY: 
Hunter Harvath

REVIEWED BY: 
Carl G. Sedoryk

To: Board of Directors
From: Hunter Harvath, Assistant General Manager – Finance & Administration
Subject: Monterey County Regional Taxi Authority (RTA) Regulations

RECOMMENDATION:

Conduct Second reading and adoption of ordinance (Attachment 1) for the uniform regulation of taxicabs within the jurisdiction of the Monterey County Regional Taxi Authority.

DISCUSSION:

Article VII of the RTA Bylaws states that the RTA Board shall adopt policies, and perform other activities required to further the mission and goals of the Regional Taxi Authority and to comply with federal, state and local laws. At the February 28, 2011, meeting, your Board referred proposed “Monterey County Regional Taxi Authority Taxi Administration Program Regulations” (Attachment 2) to the TAC for input.

Given the comments from members of the public at the meeting on the proposed program regulations, MST staff has prepared a revised version (Attachment 3) as an alternative for possible consideration. This revised version, which deletes substantial portions of the proposed regulations, still maintains a minimal framework of regulations that could be implemented on a preliminary basis.

General comments that TAC members at the April 19, 2011, had on the proposed regulations are as follows:

- Should 24-hour service be required of all taxi companies, without regards to size and staffing?
- Should there be temporary permits issued while background checks are being done before permanent permit is issued? Consensus was no.
- Questions came up about insurance and hold harmless provisions, which were resolved by RTA Counsel.
- No consensus on how fares should be charged – flat rate for longer trips, one rate for all cabs, and/or rate ceiling that different companies could decide what price was set, with possibly different rates at different times of day or during special events.

- There may not be room enough for full signage (e.g., name, phone number, cab number) on the rear of cabs; consensus was to only require full signage on the sides of the vehicles.
- RTA should require taxi stands to be set by municipalities, including arrangements for taxi stands during special events.
- Each company should establish their own lost and found procedures.
- How many years should someone be ineligible to drive after a variety of crimes are committed and convictions received? There was a tie vote with regards to allowing up to two or three violations of the California Vehicle Code with regards to moving violations that would generate “points” on a driver’s license.
- What is the definition for “unsanitary” or “unsightly conditions” as well as “indecent, profane or obscure language” and who decides? How is fighting dealt with at the airport?


In addition, your Board at its February 28, 2011 meeting, also directed General Counsel to provide two pieces of information concerning the proposed RTA regulations. The results of this legal inquiry are presented in Attachment 4.

Attachment 1: Ordinance No. 2011-01

Attachment 2: Proposed Monterey County Regional Taxi Authority Taxi Administration Program Regulations – as referred by RTA Board of Directors 2/28/11

Attachment 3: Proposed Monterey County Regional Taxi Authority Taxi Administration Program Regulations – alternative as edited by staff 4/19/11 after TAC input

Attachment 4: April 11, 2011 Memo from David C. Laredo, De Lay & Laredo -- Attorneys at Law.

PREPARED BY: 
Hunter Harvath

REVIEWED BY: 
Carl G. Sedoryk

SECTION 4. Section 1094.5 of the Civil Code of Procedure of the state of California shall be applicable so as to provide a 90-day limitation for judicial review of any final administrative decision by the RTA Board. Whenever any such decision shall be rendered in final form, written notice thereof and of this 90-day limitation for judicial review shall be provided to the person or persons interested in such. The RTA shall determine and collect the estimated actual cost for preparation of any complete record of the proceedings which may be requested to be prepared.

SECTION 5. A Equipment, Safety, Security and Operations Policy shall be promulgated and adopted by the RTA Board by Resolution, and shall have the force of law. Vehicles and their operators must remain in compliance with the most recent RTA Board adopted Equipment, Safety, Security and Operations Policy. Violation of the Policy may result in suspension or removal of permits to operate within the RTA. The Equipment, Safety, Security and Operations Policy may be amended by Resolution from time to time.

SECTION 6. A Schedule of Fines and Penalties for violations of the Monterey County Regional Taxi Authority Taxi Administration Program Regulations shall be promulgated and adopted by the RTA Board by Resolution, and shall have the force of law. The Schedule may be amended by Resolution from time to time.

SECTION 7. The Monterey County Regional Taxi Authority Taxi Administration Program Regulations may be amended by the RTA Board of Directors by Ordinance.

SECTION 8. The Monterey County Regional Taxi Authority Taxi Administration Program Regulations are hereby enacted as follows:

(Please see attached Regulations – 24 pages)

SECTION 9. This Ordinance shall become effective upon enactment of its second reading.

PASSED AND ADOPTED BY THE MONTEREY COUNTY REGIONAL TAXI AUTHORITY BOARD OF DIRECTORS THIS ____ day of _____, 2011, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

ATTEST:

APPROVED AS TO FORM:

DAVID C. LAREDO, RTA Counsel

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